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Title: Discussion on the motion for consideration of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Bill, 2016.

HON. DEPUTY SPEAKER: Now, we will take up Item No.17.

...(*Interruptions*)

HON. DEPUTY SPEAKER: I will allow him to speak during the discussion on the Bill.

सड़क परिवहन और राजमार्ग मंत्रालय में राज्य मंत्री, पोत परिवहन मंत्रालय में राज्य मंत्री तथा रसायन और उर्वरक मंत्रालय में राज्य मंत्री (श्री मनसुख एल.मांडविया) : महोदय, मैं प्रस्ताव करता हूँ:-

'कि नवाधिकरण अधिकारिता, जलयान से संबंधित विधिक कार्यवाहियाँ, उनको बंदी बनाने, निरोध, विक्रय और उससे संबंधित या उसके आनुÂषंगिक अन्य मामले के संबंध में विधि का समेकन करने वाले विधेयक पर विचार किए जाने की अनुमति दी जाए।'

विश्व में हिंदुस्तान एक विकल्प है। इसका आदिअनादि काल से अन्य कई देशों से समुद्र के माध्यम से संबंध रहा है। हिंदुस्तान में हड़प्पा संस्कृति का भी समय था। गुजरात में एक लोथल नगर है। आज वह समुद्र से 50 किलोमीटर दूर है। इस सभ्यता का जब उत्खनन किया गया था, तो वहाँ से एक पॉट मिला है। वहाँ विश्व के शिप्स हिन्दुस्तान के साथ व्यापार करने के लिए आया करते थे। लोथल से धौलावीरा तक इनलैंड वॉटरवेज के माध्यम से समुद्री एवं कार्गो यातायात होता था। यह हमारे समुद्री व्यवहार का बहुत पुराना इतिहास है। हिन्दुस्तान में 7500 किलोमीटर का समुद्री तट है। इन समुद्री तटों पर सालों से कार्गो की हैंडलिंग होती रही है। आज देश में कुल मिलाकर 12 मेजर पोर्ट्स हैं। देश में 205 माइनर पोर्ट्स हैं। आज, कुल मिलाकर, 95 परसैन्ट कार्गो, पोर्ट पर हैण्डल होते हैं और उसको अगर मूल्य में परिवर्तित करें तो 68 परसैन्ट वैल्यू जो कार्गो की है वह समुद्र के रास्ते पोर्ट से इम्पोर्ट होती है अर्थात् एक्सपोर्ट और इम्पोर्ट के लिए हमारे पोर्ट्स का बड़ा महत्व रहा है। उसके संदर्भ में आज कुल मिलाकर हिन्दुस्तान में सभी पत्तनों पर चाहे वे मेजर पोर्ट हों या माइनर पोर्ट, कुल मिलाकर 90,877 शिप हर साल आती हैं। यदि शिप हर साल यहां आती हैं और उन शिप के साथ कुछ घटना हो और जो कुछ.....

श्री कल्याण बनर्जी (श्रीरामपुर): आप जो बोल रहे हैं वह स्टेटमेंट के अंदर ऑब्जेक्टेड लिस्ट में नहीं है।

श्री मनसुख एल.मांडविया : आज देश में कार्गो तो बढ़ रहा है, समुद्री व्यवहार बढ़ रहा है और देश में जो कानून है, वह पुराना कानून है, जो सालो से चलता आ रहा है, जिसे अंग्रेजों ने बनाया था। इस कानून को बदलने के लिए, हिन्दुस्तान के डॉमेस्टिक कानून को लागू करने के लिए हम यह बिल लाए हैं। हमारे पास जो कानून है आज वह एडमिरैलिटी के संदर्भ में उसका जो कार्यक्षेत्र है और उसके संदर्भ में जो कानून बना हुआ है, एडमिरैलिटी कोर्ट, 1840 यह 177 साल पहले से चला आ रहा है। कॉलोनियल कोर्ट ऑफ एडमिरैलिटी एक्ट, 1861 यह 156 वर्षों से चला आया हुआ कानून है। कॉलोनियल कोर्ट ऑफ एडमिरैलिटी इण्डिया, 1891 यह 126 वर्ष पुराना कानून है। प्रोवीजन ऑफ लैटर्स पेटेंट,1865 यह 152 वर्ष पुराना कानून है। महोदय, 126 वर्ष से 177 वर्ष पुराना कानून है। उस वक्त जब अंग्रेज यहां आए थे। उन्होंने जो कानून बनाए थे, उस वक्त देश में केवल तीन मेजर पोर्ट्स थे, जिनमें मुम्बई, मद्रास और कलकत्ता पोर्ट थे। आज जो भी समुद्री समस्या होती है और उसके संदर्भ में कभी किसी को कानूनी कार्यवाही करनी है तो उसके लिए केवल तीन उच्च न्यायालय का ही प्रावधान है। देश में तटीय विस्तार होने से सभी स्टेट्स के पास पोर्ट है तो उन पोर्ट्स के अपने कानूनी न्याय के लिए तीन कोर्ट्स का ही प्रावधान है, उनके अलावा अन्य किसी कोर्ट का प्रावधान नहीं है, उसको उच्च न्यायालय में जाना पड़ता है। इसलिए हम यह बिल ला रहे हैं कि पुराना कानून खत्म हो जाए और उसके स्थान पर हमारे डॉमेस्टिक कानून का उपयोग हो और उसके अलावा हिंदुस्तान में एक एम.ई. ऐलिजाबेथ विरुद्ध हर्मन इन्वेस्टमेंट एण्ड ट्रेडिंग प्राइवेट लिमिटेड में एक कानूनी घटना हुई थी। एडमिरैलिटी संदर्भ में जो कानूनी विवाद हुआ तो वह सुप्रीम कोर्ट तक गया। सुप्रीम कोर्ट ने भी गाइडलाइन दिया कि यह पुराना कानून है, उसमें क्लीयरिफिकेशन नहीं है। आप एक बार फिर से हिन्दुस्तान का डॉमेस्टिक कानून बनाइए। इसके साथ-साथ देश में जब यह घटना हुई तब हमारे विधि आयोग ने भी उसके संदर्भ में सुओमोटो स्टडी की और विधि आयोग ने 151 की रिपोर्ट में नए कानून बनाने के लिए रिकमेंडेशन किया। इन सब बातों को देखते हुए वर्ष 2005 में एक कानून बनाया गया था। वर्ष 2005 में यह कानून बनाकर स्टैंडिंग कमेटी को रेफर किया गया था। स्टैंडिंग कमेटी ने उस पर विस्तार से चर्चा की और उसको रिकमेंडेशन किया। बाद में वह पार्लियामेंट की मुद्दत खत्म हो जाने से पेंडिंग हो गया। बाद में इस ब्रिटिश काल के कानून को बदलने के लिए, उसके न्यायिक क्षेत्र को बढ़ाने के लिए, जो अभी केवल मुम्बई, कलकत्ता और मद्रास है, वे सारे तटीय स्टेट्स हैं। उच्च न्यायालय को उनकी क्षमता देने के लिए, जो भी अनेक प्रकार के नागरिकों के विवाद होते हैं, वहां पर काम करने वाले लेबर्स का भी विवाद होता है, स्वामित्व के संदर्भ में भी विवाद होता है, पार्टनर्शिप के संदर्भ में भी विवाद होता है, इन्वॉयरमेंट का इश्यू आ जाता है, तेल कभी किसी अन्य शिप से भी भेजा जाता है उस स्थिति में भी विवाद हो जाता है। ऐसे अनेक कारण हैं, जिसमें एडमिरैलिटी के परिक्षेत्र को कानून की दÂिष्ट से ठीक करना आवश्यक था। इसलिए मैं यह विधेयक लेकर आया हूं और मैं सदन से विनती करता हूं कि इस विधेयक पर विस्तार से परामर्श करें और उसको पारित करें।

HON. DEPUTY SPEAKER: Motion moved:

"That the Bill to consolidate the laws relating to admiralty jurisdiction, legal proceedings in connection with vessels, their arrest, detention, sale and other matters connected therewith or incidental thereto, be taken into consideration."

SHRI ADHIR RANJAN CHOWDHURY (BAHARAMPUR): The Admiralty (Jurisdiction and Settlement of Maritime Claims) Bill, 2016 was introduced in Lok Sabha on 21st November, 2016.

The objective of this Bill is to consolidate the existing laws on civil matters of admiralty jurisdiction of courts, admiralty proceedings on maritime claims, and arrest of ships. Admiralty laws deal with cases of accidents in navigable waters or involve contracts related to commerce on such waters. It is true that there are a number of archaic and obsolete laws which are still governing the maritime disputes, offences and problems. So, there is an imperative need to have a comprehensive legislation. It is not only that. The maritime legal fraternity also has been demanding over the years for a comprehensive legislation.

Even after Independence, Parliament did not exercise powers to make laws with respect to admiralty courts. As a result, the jurisdiction in respect of admiralty matters remain as defined in the Admiralty Act and restricted to High Courts of Mumbai, Madras and Calcutta as the hon. Minister has rightly pointed out.

The High Courts of India's other littoral states, namely, Gujarat, Karnataka, Kerala, Andhra Pradesh and Odisha do not possess admiralty jurisdiction although there have been instances of the High Courts of Gujarat, Andhra Pradesh and Odisha having entertained admiralty causes apparently on a

perfunctory consideration of the various States Reorganisation Acts enacted by Parliament and presumably without the benefit of a full argument. Along with the vexing issue of ambiguity of jurisdiction, existing admiralty statutes required a relook in order to incorporate contemporary maritime practices and international legal regime.

In 1986, a Committee headed by Shri Praveen Singh, the then Director General of Shipping, Mumbai reviewed the existing maritime laws and admiralty jurisdiction and recommended that a specific admiralty law be enacted.

In so far as jurisdictional ambiguity of the littoral state is concerned, the Supreme Court in the case of M.V. Elizabeth and others versus Harwan Investment Trading Private Limited, 1992 decided that the High Courts are superior courts of record with unlimited jurisdiction and inherent and plenary powers to decide on their own jurisdiction for the purpose of redressing grievances according to the principles of justice, equity and good conscience. Where the statute is silent, judicial intervention is necessary. In this context, the Supreme Court observed that there is no reason to think that the jurisdiction of the High Courts have stood frozen and atrophied on the date of the Colonial Courts of Admiralty Act, 1890.

Accordingly, in view of there being no Indian Statute governing the courts' jurisdiction in regard to maritime claims, the Supreme Court made the principles of international conventions on maritime laws applicable in India as part of India's common law. At the same time, it also directed the early enactment of a suitable legislative measure.

So, this is an evolutionary path being adopted before the finalisation of the legislative document. Even in the year 1998, a draft Bill was planned to be introduced. However, it could not be achieved due to very short duration of the first Vajpayee Government. Finally the Bill was introduced in Parliament in May, 2005. The Bill was referred to the Standing Committee.

The Admiralty (Jurisdiction and Settlement of Maritime Claims) Bill, 2009 was revised and circulated for consultation. However, due to the dissolution of the 14th Lok Sabha the Bill lapsed. The Bill went through the further process of revision through inter-Ministerial consultation during the 15th Lok Sabha. So, naturally we are all aware of the long journey, the long odyssey of this legislative document.

13.26 hours (Dr. Ratna De (Nag) *in the Chair*)

After all, in response to the needs of the modern economy and in compliance with the existing facilities available in other parts of the world, the Bill was necessary. That is why we are supporting the legislative document without any reservation.

I would simply like to refer to a few key features of this legislative document. One of them is admiralty jurisdiction. The jurisdiction with respect to maritime claims under the Bill will vest with the respective high courts and will extend up to the territorial waters of their respective jurisdiction. As we know, India has territorial waters to the extent of 12 nautical miles. Thereafter starts the Exclusive Economic Zone up to 200 nautical miles.

The Central Government, as per the Bill, may extend the jurisdiction of these high courts by notification up to the Exclusive Economic Zone. Here I would like to ask whether you have any mechanism to extend the ambit of the courts up to the Exclusive Economic Zone. According to the Bill, the jurisdiction is extendable by the Central Government Notification. That is why I have raised this question.

Insofar as maritime claims are concerned, the high courts may exercise jurisdiction of maritime claims arising out of conditions including disputes regarding ownership of a vessel, dispute regarding co-owners of a vessel regarding employment or earnings of the vessel, mortgage on a vessel, construction, repair or conversion of the vessel, disputes arising out of the sale of vessel, environment damage caused by the vessel, etc. The Bill defines a 'vessel' as any ship, boat, or sailing vessel which may or may not be mechanically propelled.

Let me refer to sub-clause 4 of clause 9. It says: "No maritime lien shall attach to a vessel to secure a claim which arises out of or results from (a) damage in connection with the carriage of oil or other hazardous or noxious substances by sea for which compensation is payable to the claimants pursuant to any law for the time being in force; (b) the radioactive properties or a combination of radioactive properties with toxic, explosive or other hazardous properties of nuclear fuel or of radioactive products or waste.

The Minister may kindly explain this particular area because you know about this particular area. Now a days, the sea across the globe is under the threat of hazardous toxic elements, even radioactive materials also. How much of the authority is being enjoyed under this clause so that the maritime lien provision should be applicable? What is the periphery of the applicability of maritime lien provision that has been enshrined in the Bill? While determining maritime claims under the specified condition, the courts may settle any outstanding accounts between parties with regard to the vessel. They may also direct that the vessel or a share of it could be sold.

With regard to a sale, courts may determine the title to the proceeds of such sale. Do you have any idea that in a year how many claims are being registered? How many registered claims are being settled in a year? I know that there is a multiplicity of legislations which certainly hinder the expeditious disposal of the claims. One of the objectives of this Bill is to dispose of the claims in an expeditious way. Therefore, the Bill is proposed to repeal four archaic admiralty laws on civil matters. We have an Admiralty Court Act of 1840 also. I do not know whether that Act also is repealed or not as it has not been stated in the Bill.

As far as priority of maritime claims is concerned, of all the claims that are there in an admiralty proceedings, highest priority would be given to maritime claims, followed by mortgages on the vessels and all other claims. Within the maritime claims, highest priority would be given to claims for wages and with regard to employment on the vessel. This should be followed by claims with regard to loss of lives or personal injury in connection with the operation of the vessel. Such claims will continue to exist even with the change of ownership of the vessel. It is the most salient feature.

Here, the Bill is consolidating by repealing all other existing laws where the Bill will focus on wrongdoer - wrongdoer maybe the ship; wrongdoer maybe the vessel. It covers every vessel irrespective of the place or residence or domicile of owner. However, warships and naval auxiliary or other vessels used for non-commercial purposes are beyond its purview. Vessels which are being constructed are excluded from its application. However, by notification, everything can be brought under the ambit of this Bill. There is a very significant aspect so far as notification is concerned because by

issuing notification the Bill can delegate more powers to the courts of the littoral States.

About jurisdiction over a person, courts may exercise admiralty jurisdiction against a person with regard to maritime claims. However, the courts will not entertain complaints against a person in certain cases. These include, damage or loss of life, or personal injury arising out of collision between vessels that was caused in India. Second is about non-compliance with the collision regulations of the Merchant Shipping Act, 1958 by a person who does not reside or carry out business in India. Further, Courts will not entertain action against a person until any case against them with regard to the same incident in any court outside India has ended.

In regard to arrest of vessel, the Courts may order for the arrest within their jurisdiction for providing security against a maritime claim, which is the subject of a proceeding.

In regard to appeals, any judgments made by a single Judge of the High Court can be appealed against to a Division Bench of the High Court.

HON. CHAIRPERSON : Mr. Chowdhury, please conclude, now.

SHRI ADHIR RANJAN CHOWDHURY : Madam, I am concluding within two minutes.

HON. CHAIRPERSON: Two minutes! Please conclude, now.

SHRI ADHIR RANJAN CHOWDHURY : Further, the Supreme Court may, on application by any party, transfer an admiralty proceeding at any stage from one High Court to any other High Court. The latter High Court will proceed with the matter from the stage where it stood at the time of the transfer.

Here, I would like to ask the Minister that after High Court, whether the Bill has any provision to go to the Supreme Court. It is because here, the Supreme Court will decide to which High Court the appeal will be heard.

Regarding Assessor, the Central Government will appoint a list of Assessors qualified and experienced in the admiralty and maritime matters. What are the criteria for selecting those Assessors?

HON. CHAIRPERSON: Mr. Chowdhury, please conclude.

SHRI ADHIR RANJAN CHOWDHURY : Madam, I am on my last point, now.

Insofar as West Bengal is concerned, you are also from West Bengal. Here a deep see port was proposed by your Government. But when will it see the light of the day? We would like to know it.

The second point is that the country is famous for ship breaking industry. Do you have any regulation on ship breaking industry to compete with the global level? I am saying it because our ship breaking has been causing enormous pollution in our country.

Madam, 95 per cent of India's trade by volume is done by sea. But what is the capacity of all the ports in our country and whether the capacity of the ports is being utilized or not? In this regard a full account needs to be given.

HON. CHAIRPERSON: Now, Shri Narendra Sawaikar.

Nothing will go on record except the speech of Shri Sawaikar.

â€¦(Interruptions) â€¦ *

ADV. NARENDRA KESHAV SAWAIKAR (SOUTH GOA): Thank you, Madam Chairperson, for giving me this opportunity to speak in this august House.

I rise in support of a very important piece of legislation, which was long overdue, and that is, Admiralty (Jurisdiction and Settlement of Maritime Claims) Bill, 2016.

I thank the hon. Prime Minister as well as the hon. Minister of Shipping, Shri Nitin Gadkari for having introduced this important piece of legislation.

At the outset, Madam, I would like to give some facts and figures so as to understand the importance of this legislation. Our country has a coastline of around 7,516 kilometres. There are 13 Coastal States, Union Territories as well as the Island Territories, which are in India. There are almost 70 Coastal Districts. We have 13 major ports and 205 minor ports, as has also been stated by the hon. Minister. I have placed these figures because this would help us to understand the importance of this legislation.

Madam, as has been pointed out by the hon. Minister, till date, the maritime law in India is being governed by the old British laws. I would like to cite those four laws. They are: 1) Admiralty Court Act, 1861; 2) Colonial Courts of Admiralty Act, 1890; 3) Colonial Courts of Admiralty (India) Act, 1891, which was subsequently introduced in one year; and 4) Letters Patent, 1865, provisions of which are insofar as applied to the Admiralty Jurisdiction of Bombay, Calcutta and Madras High Courts. Only three High Courts, that is Bombay, Madras and Calcutta were conferred with the jurisdiction of the admiralty.

Madam, I would like to make a mention that many a times, I have come across such matters and litigations wherein the issues regarding the jurisdiction, the issues regarding the arrest of a vessel, the issues regarding the collision of a vessel and the issues regarding the territorial jurisdiction have all been debated and discussed. Only on the point of jurisdiction, many years have taken up for these litigants to address their grievances.

The present piece of legislation is repealing all the four Acts, which are obsolete and redundant. Therefore, this piece of legislation is very much important considering the maritime law and the shipping industry in our country.

Madam Chairperson, I would like to draw your attention to Clause (e) of Section 2 of the Act which now confers the admiralty jurisdiction on the eight high courts of the coastal States. Clause (e) says that High Courts of Kolkata, Mumbai Madras, Karnataka, Gujarat, Odisha, Kerala and Hyderabad for the State of Telangana and the State of Andhra Pradesh, as may be notified by the Central Government for the purposes of the Act, are the High Courts within this law. Earlier, there were only three high courts.

Secondly, the jurisdiction of these High Courts is also specified in Section 3 of the Act which says that the jurisdiction under this Act shall vest in the respective High Courts and be exercisable over the waters up to and including the territorial waters of their respective jurisdictions in accordance with the provisions contained in this Act. I have pointed out these provisions because, as I mentioned earlier, many a times when the issue arose, it so happened whether the jurisdiction will lie with this high court or that high court. It is because of the latest provisions as well as the States Reorganization Act of every court, the issues could not be discussed, debated and redressed for years together.

Here, I would like to say that for the first time the importance of this legislation came to light in the year 1986 when the Praveen Singh Committee was constituted. Subsequently, in the year 1992, when the hon. Supreme Court, in its landmark judgment in the case of M.V. Elizabeth said – the Supreme Court was shocked and surprised – that the old archaic laws which are governing this particular admiralty jurisdiction should be repealed. This was in the year 1992 after 45 years of Independence. In spite of that we could not have our own legislation in place. I would not like to reproduce what has been stated by the hon. Supreme Court. But the Supreme Court has very categorically said that the Law Commission in its 5th Report on the British Statutes applicable to India went into the details on scope of the articles. The Supreme Court further said: "Should not India enact her own laws on the subject-matter of these statutes where it is necessary to do so and take legislative action making it clear that these statutes are no longer applicable to India?"

Subsequently, in 1994, the Law Commission came out with its Report, though it has been stated that it is a *suo motu* report but it came in 1994. In this Report the Law Commission has specifically held that this is an old enactment and, therefore, this law needs to be replaced and a new law is to be introduced. Subsequently, the new law was drafted and it was placed. Then, it was discussed and referred to the Standing Committee as has been pointed out by my learned friend. Thereafter, in the year 2005, the Standing Committee has submitted its Report on 21st March 2006. Thereafter the Bill is introduced. But still it took almost 11 years to see the light of the day.

The salient features of this law are the application of the Code of Civil Procedure where the law is silent and where the action is needed, in that case, the Code of Civil Procedure can be brought in. Secondly, there is action in *rem* and action in *personam.* Thirdly, the settlement of claims, I would not like to go much into the details but the settlement of claims in Section 4 of the Act specifically provides for which are the claims that can be settled under this Act. These are some of the salient features of this Bill.

When we are talking about making India a super power, I always feel that it is our bounden duty, irrespective of the party to which we belong, to take steps to achieve this goal. The hon. Prime Minister, in 2016 in the Maritime India Summit held in Bombay, had said: "This Government wants to make coastline an engine of growth." He also said that the Government would like to invest around one lakh crore of rupees for the development of the ports in India. Our Government has taken various initiatives in this direction by launching ambitious Sagarmala programme. In the last two-and-a-half years, hon. Minister Shri Nitin Gadkari *ji* has taken steps for the development of ports.

I come from the State of Goa. There is only one major port. But, in the last two-and-a-half years, due to the efforts of Shri Gadkari *ji*, the developmental activities have been taken up, various infrastructural activities have been taken up, so far as my port, the Mormugao Port Trust is concerned. Besides that, nationalisation of 106 rivers is also a part of this programme. While enacting this legislation, also around five laws have been repealed while consolidating and while bringing in the National Waterways Bill.

Madam, I would like to make a mention that on the one hand, when we talk about India being a global power, when we talk about development of India, at the same time, we need to keep it in our mind that in the last almost two-and-a-half years, this Government has repealed around 1200 old, obsolete laws. I am mentioning it because in the last 64 years, that is till 2016, only 1031 laws which were old which were obsolete were repealed by the then Government. It is this Government which has taken firm steps in this direction.

The market size of the maritime trade is on rise. In fact, I had raised a question on this issue. In the latest answer which has been furnished to me yesterday of the same question, what has been answered by the hon. Government is that in 2016 it expects the maritime trade to reach about 1715 million metric tonnes. Therefore, the Government expects that there is a growth of around 18 per cent in the maritime trade.

We talk and we say that 65 per cent of our population is young and is youth. The Government has been taking steps for raising the business, industry and opportunities for our younger generation through the various programmes like Make in India, Start-up, Stand-up, Skill Development, Sagarmala, port, road, air and rail connectivity. We have also jumped 12 ranks in the World Bank Ranking in the ease of doing business. This legislation, in my opinion, is another step towards making India as a business destination. I am sure that shipping and maritime industry will welcome this legislation. It is the need and demand of time that we rise to the occasion and bring in reforms in our old, archaic regulations; or otherwise we repeal them. We come out with the new legislations and regulations with the changing times so as to make our all shared vision of making India a global super power.

With these few words, I support this legislation. Thank you, Madam.

SHRI KALYAN BANERJEE (SREERAMPUR): Thank you, Madam Chairperson. The bill is regarding the Admiralty (Jurisdiction and Settlement of Maritime Claims) Bill, 2016. Already, the other two speakers have spoken. I will not take much time. But, firstly, I would point out that I respectfully disagree with the statements made by the hon. Minister.

The Minister while making the statement said that the Bill is also covering the environmental issue. I am sorry, under clause 4, this is not the scope. You have also referred that in case of leakage of oil etc., this will come within its purview. This is also not there. Therefore, I respectfully disagree with the statements made by him in respect of two issues. That is the reason I was trying to tell you to kindly restrict yourself, without giving the long lecture, to the Objects and Reasons of the Bill itself, not beyond that.

This Act was necessary for long. Rather I say decades after decades we have to wait for this Bill and there is no quarrel with that word. It is unfortunate that, although the Supreme Court in 1992 directed the Central Government to come up with a law which will fulfil the needs of the day and when 151 reports of the Law Commission was existing, from 1992 to 2016, whatever the Governments were there, whether it was the UPA Government or the NDA Government or other coalition Governments, no one had paid any heed to those circumstances. Today, it is needed and therefore, I am not opposing in substance, the Bill.

Madam, I will take up two or three things. The claim which is required to be decided by the High Court by reason of this enactment of the Act, itself has been codified under clause 4. I will not read because it will take much time. The jurisdictions have been said here. Now, I want to speak about territorial water.

Madam, in practicality and in reality, my predecessor friend has hinted about that. I agree with him that really the trouble starts there. Clause 2 sub-clause (k), says territorial water shall have the same meaning as assigned to it in the territorial water, continental shelf, exclusive economic zone and other maritime zones, 1976. It is said simply. In law, it is incorporation of the statutes. You have incorporated provisions. They are vague provisions. Very correctly, he has said that decades after decades, it takes away the point, it takes away the question as to which High Court is having the jurisdiction in the sea itself. I have an experience, being a lawyer, we had a dispute with the Odisha Government in respect of territorial water. However, both the hon. Chief Ministers discussed and resolved the problem. It is working now very good. Therefore, that is extremely a vague thing.

Now, I come and point out to the hon. Minister to kindly clarify this. This is bringing another area where more interpretation is required to be done by the court. You have to clarify and you have to clear it. Clause 17 sub-clause 2,

> "notwithstanding the repeal, all admiralty proceedings pending in any High court immediately before the commencement of the act shall continue to be adjudicated by such court in accordance with the provisions of this Act."

Firstly, what does, "shall continue to be adjudicated by such court" mean? If you have said that, it is alright. The moment you are saying in accordance with the provision of this Act, then whether Kolkata matter will go to Odisha or any other place matter will go to other place. Clarity is not there in this Section. You have to clarify that situation. I do not know what is in your mind. If a proceeding is pending before the High Court, it will continue in the High Court. Then the language of the statute would have been made clear. If the proceeding will be transferred as on today, then you have to write it down that it has to be transferred. You are creating the confusion by saying, "before the commencement of the Act", and "shall continue to be adjudicated by such court in accordance with the provisions of this court". The moment you are saying, "in accordance with the provisions of this court", then for the transfer of this Act, therefore, the High courts comes in. Therefore, there is a contradiction. It has to be clarified.

It is not for the argument sake I am making this argument. I am trying to help you. That is the reason I am telling this. You clarify it. You clear it. Clarity must be there in the statute. Unfortunately, we are seriously criticised in the judiciary because of the bad drafting or wrong drafting of a statute. I think this clarity needs to be required in the provision itself.

Now so many things have been said regarding the old Acts, etc. Yes, the old Acts, which are not required, have to be repealed. That is also necessary. The old Acts also were not made applicable.

Now, I am coming to a very important point. I know that it is not concerned with you. But, through you, today in this House I am making this point to the nation itself. A national problem has come. Now you are giving the jurisdiction to the High Courts to decide. There is no difficulty. But, hon. Minister, do you know how many vacancies are there in the High Courts? How can the High Courts take up the workload of all these things? Vacancies are not being filled up.

Earlier, some two or three Sessions back, a few Acts had come and jurisdictions have given to the High Court. There is no problem. But with the load which is there, with the jurisdiction which is there, not a single High Court is in a position to function. If I correctly say, so far as the Allahabad High Court is concerned, almost 50 per cent of the posts are vacant. As far as Calcutta High Court is concerned, nearly 50 per cent is vacant. This is the position in all the High Courts. There is not in a single High Court where this problem is not existing. So, why are you not filling up the vacancies?

You see, the National Judicial Appointment Bills were passed here. A Constitutional Amendment was made. Ultimately, the Supreme Court has declared it *ultra vires*. We have to accept this proposition. If we have to accept this proposition, we cannot have any ego on that. Neither any legislator nor any parliamentarian nor the Central Government nor any Government can have any ego with the judiciary. This has to be sorted out. I know it is not your problem. But today since the High Court part has come, through you, I am trying to tell here to please remove the ego. If there is any ego with the judiciary regarding the filling up of the vacancies, remove ego and kindly fill up the vacancies first.

Unless you fill up the vacancies, not only the dispute under this Act but nothing will be done. Whenever a matter is taken up as far as maritime admiralty jurisdiction is concerned-- I do not know whether you are having the experience or notâ€”it takes a whole day to decide on a small point. Other business is closed normally because big claimants are there; big lawyers are there; big fees are there; big things are there; and naturally most times are spent. Who will take care of the poor people of the country? Everyone is taking care of the rich people of this country. That is the whole problem. I am not blaming you. It is not your fault at all. But, through you, I am trying to tell you to see that the vacancies are filled up.

Now, in respect of appellate forum, you have made it very clearly. Very nicely it has been done. First is Single Bench, and then the Division Bench, appeal, including interlocutoryâ€"everything has been done. Mr. Chowdhury is not here. He was asking, "what would happen thereafter?" Against that, article 136 of the Constitution of India is available. It is known to them. You are not required to mention that. That is all right. There is no difficulty on that. The Supreme Court will decide in cases of transfer whether it is needed or not. Whether it is the Calcutta High Court's jurisdiction or the Odisha High Court's jurisdiction, naturally, the Supreme Court will decide. There also, there is no difficulty at all.

14.00 hours

There is another point I say to you.

Everything is very clear in the Bill. Still, I would like to give an important suggestion to the hon. Minister. I am giving this suggestion, but I know that it is a very difficult job for him also. The territorial water jurisdiction has to be identified. Now, it is not much difficult because new mechanisms like satellite etc. have come in and they may be used to do it.

My friend, Shri Mahtab, is here. You have to identify the water of Kolkata, West Bengal and Odisha. If you identify that part, you will find that the question regarding the jurisdiction to be decided by the courts will be lesser and an easier job. In future, if you try to do it, it will be very helpful. I am giving this suggestion.

With this, I thank you for bringing this Bill. For a long time, from 1992, it was not happening. It does not give a good smell in our mouths that it has been pending since 1992. Now, it has been brought. Let it be passed. There is no difficulty.

With this, I conclude and thank you.

SHRI BHARTRUHARI MAHTAB (CUTTACK): Madam, Kalyan *Babu* was mentioning about good taste in the mouth! I will start from that.

Today is the 25th year since 1992, the year that was mentioned when the Law Commission gave its report and we are in 2017 today. Actually, the Bill was placed in this House in 24th year and today is the 25th year and our good friend, hon. Minister, is piloting this Bill today.

Before I come to the Bill, I would just like to mention that repeatedly भारत सरकार के मंत्री ने हिन्दुस्तान शब्द तीन बार कहा। कांस्टीट्यूशन में हिन्दुस्तान शब्द नहीं है। मैंने बिल का हिन्दी वर्शन मंगाकर देखा, तो इसमें 'भारत गणराज्य', 'रिपब्लिक ऑफ इंडिया' लिखा है। मंत्री जब बिल को पायलट करते हैं, उस समय भारत सरकार को भारत गणराज्य शब्द को व्यवहार में लाना चाहिए। हमारे देश में इतिहास का भी थोड़ा वर्णन होना चाहिए। द्वारका, कोंकण, कोरोमंडल और केलिंगा आदि चार प्रांतों से हमारी मेरीटाइम एक्टिविटीज का विस्तार विश्व में हुआ है। It was more than 2,500 or 3,000 years ago that our maritime activities flourished.

In the Sixth or Seventh Century A.D., we faced Arab seafarers in the Indian Ocean and the Arabian Sea. Our trade with the western countries, including Roman Empire, also diminished, during that period. Between 8th and 12th Century A.D., the Central Asian marauders also attacked repeatedly the Indian Subcontinent, and Indian youth force shrunk itself. A time came during that period when it was told by the leaders of our society that if you go on a voyage, you would be outcaste. This was also told to Mahatma Gandhi when he went to study abroad. His mother told him 'if you are going to come back, हमारा समाज तुम्हें किस तरह ऐक्सैप्ट करेगा?' This was very much vibrant in the first part of 20th Century. That was the situation. A seafaring nation, which had flourishing maritime trade throughout the world, be it in Japan, China, Far East or South East Asia, even to Rome, how did that society shrink and why?

Hence, when this Bill comes for consideration, we are tied up with those five Acts, which were incorporated. One was during the Company period, that is, of 1840 and the rest four were of 1861, 1865, 1890, 1891 when India was a colony under the crown. These five have been subsumed in this Act, but it has a very sacred history and that is really very interesting. Though this Bill was introduced in this House on 21 November 2016, the issue of admiralty jurisdiction was examined by the Law Commission of India in 1992. The drafting of the Bill was in accordance with the Law Commission's recommendations. I would just mention here for the benefit of the House that the draft Bill was planned to be introduced in the Parliament in 1998 during Atalji's time. It was a short period of only 13 months, but it could not be achieved due to a very short duration of the second Vajpayee-led Government. The shortest was the previous one of 1996.

Finally, the Bill was introduced in the Parliament in 2005. It was revised in 2009, but due to dissolution of the Fourteenth Lok Sabha the Bill had lapsed. It further went through inter-Ministerial consultation during the Fifteenth Lok Sabha. Finally, after 24 years, it was introduced last year and this year we are on the verge of passing this Bill.

Being from a literal State, I, therefore, welcome this Bill with open arms. Yet, as has been mentioned by my friend Kalyan babu, despite all these deliberations still there are certain flaws and one should salute the Legislative Branch of our Government. Whenever there is a Joint Parliamentary Committee, we go into every word of it and what is the meaning of it and Kalyan babu also very meticulously goes through it and he has very rightly mentioned about the provision of Clause 17 section 2 as to how it will be interpreted or how it will not be interpreted. Therefore, I would urge upon the Minister to make certain clarifications and also he can remedy it. This is the time where संशोधन आप कर सकते हैं।

The repealing of this old British law should have been done much earlier, but I am glad that it is being done now by this Government. Since admiralty law deal with cases of accidents in navigable waters or involve contracts related to commerce on such waters, High Court of States, which have shores should be the ideal body to solve such disputes. Here, I would also say that it would also reduce the burden on Kolkata, Mumbai and Madras High Court.

Section 10 of this Bill prioritises the order of maritime claims determining the *inter se* priority in an admiralty proceeding, which shall be as follows : - (a) a claim on the vessel where there is a maritime lien; (b) registered mortgages and charges of same nature on the vessel; (c) all other

claims. This is the gradation. When I go through the Bill in Section 4 where maritime claim can be determined, there is sub-Section (e), which says : "loss of life or personal injury occurring whether on land or on water, in direct connection with the operation of a vessel." It is not a criminal case, it is a civil case. If some accidents happen and body injury is there or a death occurs, this should be the law where a claim can be made. But in the priority list, in clause 10, the claim of vessel where there is maritime layer registers mortgages and charges of same nature of the vessel. These two precedes the life. Is this a conscious decision of the Government? Do you not think it is necessary that claim for life should get the top most priority? I hope the Minister understands the logic behind it and it should be corrected in the priority list. This should be followed by other claims like compensation for loss of life or personal injury in connection with the operation of the vessel. Why can we not give loss of life and injury claims a high priority than claims for wages? That is also really very much necessary.

14.11 hours (Hon. Deputy Speaker *in the chair*.)

Mr. Deputy Speaker Sir, this Bill was long overdue and it should have been done much before. I wonder why during the UPA regime, this was never taken up with all sincerity though the Bill was introduced in 2005.

देर आये दुरुस्त आये, अब यह बिल आया है। जैसा कि कल्याण बनर्जी जी ने कहा है कि टेरिटोरियल वाटर की भी डिमार्केशन करने की जरूरत है, पता नहीं, The Ministry of Shipping is empowered to do that demarcation or not but it is better that you refer it to the NITI and have a Chief Ministerial conference and it is much better as we had settled among ourselves between West Bengal and Orissa. It is necessary because जो आपने तथ्य दिया है, 9,000 और कुछ किलोमीटर कोस्ट लाइन्स हमारी हैं, यह उससे ज्यादा है। हमारे प्रधानमंत्री जी कह रहे हैं कि इतने सारे आइलैंडस हिन्द महासागर में भारत के हैं। हम उन्हें भी डेवेलप कर सकते हैं, उससे भी हम मैरीटाइम ऐक्टिविटीज को और ज्यादा फैला सकते हैं। It is not necessary that all sea liners have to come to the mainland. It can also operate in those islands which are there in the Indian Ocean under our control. So, in that respect, it is also necessary to expand our horizon because India lies in an international mariline trade activity.

जब आप कहते हैं कि हमारा 95 प्रतिशत ट्रेड पोर्ट से होता है। हमारा ज्यादा ट्रेड पाकिस्तान से नहीं होता है, बांग्लादेश से कुछ लाने की जरूरत नहीं पड़ती है, हम भूटान को देते हैं, नेपाल में हमारे यहां से चीजें जाती हैं, तो वहां 95 प्रतिशत ट्रेड हो रहा है। अगर आप ज्यादा ट्रेड लैंड रूट पर बढ़ायेंगे तो यहां भी 95 per cent is not a very creditable thing because our trade activity is basically on sea route. That is the reason why it has to expand. Quantifying it will give us a different figure.

In the end, I would say, as I had said earlier, we support this Bill with full heart with little amendments which you want to make.

SHRI THOTA NARASIMHAM (KAKINADA): Thank you very much for giving me this opportunity to speak on this important Bill.

At the outset, I would like to praise the Government for innovative initiatives in a diverse aspects right from the very first day of the Office. Introduction of the Admiralty in Jurisdiction and Settlements of Maritime Claims Bill 2016 in the House is the timeliest for the fulfillment of India's aspirations of being the leader of the Indian Ocean. With more efficient and effective governance strategies to highlight the statistics, India is one of the leading maritime nations and maritime transportation caters to about 95 per cent of merchandised trade by volume.

The enactment of this Act is long awaited and dragged by Government after Government since 1980s. Thus, the introduction of this Bill is a progressive step in the right direction. As noted, this Bill seeks to consolidate all the existing laws on civil matters of admiralty, jurisdiction of courts, admiralty proceedings of maritime claims and arrest of ships. More so, it also repeals absolute colonial statutes thus updating the laws to meet modern day requirements and also enhances clarity in rules and regulations dealing with territorial waters and Exclusive Economic Zones.

Further, in recent days, we have witnessed many naval accidents causing immense pollution in our coastal waters like that of the recent accident near Kamarajar Port, Chennai. As yet, there is immense delay in adjudicating such navigation issues due to lack of clarity in rules. This Bill deals with cases of accidents in navigable waters or involving contracts related to commerce on such waters. Clear demarcation of jurisdiction to the High Courts of Coastal States on territorial waters and empowerment of States by the Centre over EEZ issues is an innovative step for effective governance in maritime commerce and navigation.

Owing to such inherent delays in the management of maritime commerce, India is losing huge commercial gains with complex legal issues and systematic procedures. I hope this Bill would sort out all the issues pertaining to navigation and pave way for reaching our potential in high seas.

I am hailing from the coastal State of Andhra Pradesh with nearly 974 kilometres of coastline that has immense potential for port-led development under Sagarmala Project and association of SEZs with ports. I would like to emphasise on infrastructure development in Kakinada, which is my constituency, for better multimodal connectivity to the port. I also request the Government for the establishment of a Maritime Educational Institution in the State on the lines of Chennai for encouragement of the youth towards new areas of career as well as employment generation in the State. I further request the Government for the establishment of Oceanographic Museum in Kakinada, which is my constituency, to increase awareness of Oceanographic Studies, maritime assets and resources among the public. More so, it also increases the tourist potential of the State.

I support this Bill on behalf of my Telugu Desam Party. Thank you, Mr. Deputy-Speaker, Sir, for giving me the opportunity to speak on this Bill.

SHRI KONDA VISHWESHWAR REDDY (CHEVELLA): Sir, thank you, Mr. Deputy-Speaker, Sir, for giving me this opportunity today to speak on this important Bill which is long overdue.

Sir, ports and maritime trade have been the growth engines of cities and nations and the economies. In fact, some nations like Dubai and Singapore just grew on this particular growth engine; and also cities like Shanghai, New York and London in the past.

Shri Mahtab has very eloquently told the maritime history and the prowess of India in the past. As you know very well, when it comes to our prowess, we remember Raja Raja Chola and Rajendra Chola. If you go anywhere to the East of India, you can see the maritime prowess of India more than in India. The world's largest temple is not in India; it is in Cambodia. If you go to Bali, Indonesia, and Jakarta, it is where you will see the Indian culture. Mahtab Ji also has explained about our culture, how our importance of maritime trade changed that it impacted our very culture. If

you abroad, you are no longer part of this culture. This is what Gandhi Ji was told.

I am very glad that the Government has taken this up at this very crucial juncture where we are trying to show our prowess in the space by launching satellites, but in maritime, I think we again need to retain the old glory. I think the Government has done certain things and I should congratulate them.

Of course, yesterday we passed the Maternity Bill. This has nothing to do with the Maternity Bill. The pre-berthing detention time in India used to be weeks and months a few decades ago. This Government has brought it down from about two days to less than a day. Definitely, it is worth congratulating the Government on this. But, averages do not tell the whole story. Average is a good matrix, but there are still cases where ships are lying outside for one, two and three weeks. So, this law is even more important. In fact, before coming, I was trying to google as to how many of these ships are lying in the outer harbour because of these legal issues. I could not get any data. Hopefully, the Minister can give us some data today about how many ships are being held up in the outer harbour. I feel that it will reduce the pre-berthing time. It is one more step in increasing our maritime trade. While it was a global strength in the past, but the performance in the Mumbai and Chennai ports is dismally low. The Shanghai Port has more than 700 million tonnes of trade and the Rotterdam Port has more than 400 million tonnes. Then come the Singapore and Dubai ports. In the case of Chennai port it is just 25 million tonnes and Mumbai Port is just 65 million tonnes. So, all these Bills in conjunction with others will go a long way in improving our maritime trade.

The Admiralty Bill has been in the making for the last 30 years. It is one of the long pending demands of the shipping industry and the maritime legal fraternity. The Pravin Singh Committee Report came in 1986. Subsequent to the Supreme Court Judgment of M.V. Elizabeth and others versus Harwan Investment and Trading came in 1992, the Law Commission in the 151st Report also recommended the need for such legislation. It has been a long time since 1992. We should have done this before. Definitely, we need to congratulate the Government on getting this Bill.

Historically speaking, the Admiralty codes date back to 1360 in the rein of Edward the 13th. Although, it originally dealt with matters primarily of English fleet because at that time, all the fleets were controlled by the English Crown. The codes progressively acquired some civil jurisdiction. In case of India, 95 per cent of the mercantile trade volume is catered by maritime transportation. However, the present statutes regarding admiralty jurisdiction are the British era jurisdictions. The laws are not aligned with the latest practices of the maritime sector. The Bill repeals the old, obsolete British statutes. It also consolidates the existing laws relating to admiralty jurisdiction of the Court, admiralty proceedings on maritime claim, arrest of vehicles and related issues. As of today, the admiralty jurisdiction is with three High Courts of Bombay, Calcutta and Madras. The Bill rightfully increases the number of ports which can examine this. Hon. Member Shri Kalyan Banerjee has explained this point. By increasing the number of High Courts, does it reduce the time? That is a question that we need to examine because the Courts are already over-loaded. These are alien issues for some of the Courts. Historically, in the case of Mumbai Court, the judges and the lawyers have dealt with the matter. But, the question is whether the new Courts are equipped in terms of knowledge, experience and exposure to deal with? So, there has to be probably a primer or some information or some courses for the lawyers as well as the judges to deal in this matter.

I was just going through the Bill. It brings us to an old issue. In Section 2, it says:

> "The High Court, in relation to the admiralty proceedings mean any High Court of Calcutta, Bombay, Madras, High Court of Karnataka, High Court of Gujarat, Orissa, Kerala and the High Court Judicature of Hyderabad, Telangana and the State of Andhra Pradesh."

Everything is fine. But, there is one anomaly. In the case of Hyderabad and Telangana, we do not have a port. It is land-locked. Why should our Courts be bothered with this? That brings us to another old issue which is a very important issue. We are land-locked; we have no sea. It is about the separate High Court. Now, the Court of Hyderabad has to deal with the issue of non-separation of High Courts. We do require a separate High Court not just in our interest but in the interest of my friends from Andhra Pradesh also. In the interest of boasting the maritime trade of India, we require a separate High Court. The common people of Andhra require a separate High Court.

It is a very important issue. Just for the sake of benefitting a few individuals, you cannot club the two High Courts and ask us to deal with maritime cases. The coast of Andhra is rich in trade as well; I know that they are developing the Visakhapatnam port and Kakinada port. Some of my friends tell me how fast it is developing. There is potential to gain Rs. 600 crore additional revenue to Andhra.

This brings us to another issue. We are also passing the GST. In the GST, the States are saying that the revenue of the trade upto 12 nautical miles from the coast should go to the respective State. I fully support it. The Andhra Government should get it, so also should Tamil Nadu and the Governments of all the coastal States. It goes much in the favour of Andhra Government if they push for a separate High Court for Andhra. It is also good to have multiple High Courts dealing with this. But it is the boundaries that bring us a problem. Being an engineer, it is very easy to draw a line on the land. But how do you draw a line in the sea? It should be GPS coordinates. Otherwise, they file a case in Andhra High Court and I file a case in Tamil Nadu High Court because it is somewhere between Nellore and Ennore. These are some of the things. We need to have GPS coordinates because ships are almost 500 metres wide. Just to delay the case, if somebody files a suit in this court, I will file a case in that court.

There is one more issue. It says 'exemption for warships and non-commercial activities as may be notified by the Central Government or the cities operated by Central and State Governments'. I know the fact that Central and State Governments do not have non-commercial vessels; there are very few. So, they generally depend on lease for the purposes of survey, exploration etc. These can be construed as non-commercial activities but the very act of the Government leasing a ship is a commercial operation. Therefore, the Bill is a little ambiguous in that area.

The Bill provides clarity with respect to the jurisdiction and settlement of claim. It is only the boundary that has to be more precisely defined; otherwise, it will be another cause for delay.

Lastly, I would really appreciate if the Ministry tells us how much benefit this Bill gives. Definitely it gives a benefit to everybody in the Parliament. So, I want a matrix. How many of those ships are lying in the outer harbour and how much of the pre-berthing detention time does it

reduce? How many legal cases does it reduce? These are the main points. With these words, I support the Bill on behalf of my party.

DR. A. SAMPATH (ATTINGAL): Hon. Deputy Speaker Sir, this is a very important Bill as far as our nation is concerned. We have a long history of merchant shipping. Our forefathers welcomed the foreigners wholeheartedly when they came for trade; when they came for war, our forefathers fought very valiantly. You may be well aware of the battle of Colachel, in which the forces of erstwhile Maharaja of Travancore were able to defeat the prestigious force of De Lannoy.

I come from the State of Kerala. Our trade with the East as well as with the West was not as a result of the voyage of Vasco da Gama in the year 1498. We had trade relations with Rome and other western countries and also with the Arab countries.

Here, let the Admiralty (Jurisdiction and Settlement of Maritime Claims) Bill, 2016 of course be renamed as the Admiralty (Jurisdiction and Settlement of Maritime Claims) Bill, 2017. This concerns certain questions of the federal character of this nation. There are still quite a lot of disputes between the States regarding the territorial waters. I am not mentioning the names of the States because many of our friends have left for their constituencies. I hope this Bill would not be abandoned just like an abandoned ship.

Dozens of abandoned ships are waiting outside our ports and harbours. What do we do with that? They have been posing safety threats to the coastal belt of India. We are having the fourth larges Armed Forces and of course we are very proud of our Navy also. With your permission, hon. Deputy Speaker, I would like to read some portions from a copy of one English newspaper which was published yesterday from Delhi. It says, "Iran accuses United States of stirring tension in Gulf." I may quote with your permission. It further says, "A senior official in Iran's elite Revolutionary Guard on Wednesday accused the United States of provoking tension after two separate incidents in the Gulf last week. A US Navy ship crossing the Strait of Hormuz changed its international route and approached within 550 metres of Revolutionary Guard's boats in an unprofessional way." Another newspaper report says, "China to deploy most advanced rescue ship in South China Sea. China on Wednesday said they will deploy a new rescue ship capable of conducting air, sea, and underwater searches simultaneously in the disputed South China Sea." These are the examples of other nations how they revere their seas, how they honour their seas, how they respect their waters, and how they guard their waters but what is our position?

My learned friends have just now spoken how belated this Bill is. At least because of the British were able to rule some parts of this nation for more than two centuries and then the British India, we had a law. Here in the statement of objects and reasons in the last paragraph which is paragraph No. 4, it is said: "It is proposed to repeal four archaic admiralty laws on civil matters, namely, (a) the Admiralty Court Act, 1861, (b) the Colonial Courts of Admiralty Act, 1890, (c) the Colonial Courts of Admiralty (India) Act, 1891, and (d) the provisions of the Letters Patent, 1865 in so far as it applies to the admiralty jurisdiction of the Bombay, Calcutta and Madras High Courts, as those provisions would become redundant with the enactment of this Legislation." There is not even a single enactment this august House was able to pass after the Constitution came into being and after our nation became a republic.

Some of my friends had actually requested the Government that a meeting of the Chief Ministers concerned should be convened on this matter. Our hon. Ministers are here; more Ministers are now in the House than MPs. At least that is a good beginning, let us hope. I would like to know whether this Bill has come up for evidence, discussion, and report to be submitted by any of the Standing Committees. This is not a very small Bill. This Bill has very severe consequences. I hope no dispute arises between the States. I would not take much time. I believe, we have to pass this Bill before the Private Members' Business is taken up. Why was this Bill not sent for the consideration of the Standing Committee concerned? At least the Standing Committee on Law and Justice should have gone through it. Deputy Speaker, Sir, you are a very senior parliamentarian. You know very well the rules, the precedents, the courtesy and the etiquettes. You are much senior than many of us in this House. The Standing Committees are not mere scapegoats. They are not for name sake. Each one of us is doing our duty even when the Parliament is not in Session. I hope your heart is with me in this matter. The procedure that is being followed by the Government, whether it is the UPA, NDA or whichever Government, should be, the Standing Committee should be given the opportunity to discuss, take evidence and submit a Report. On the basis of the Report of the concerned Standing Committee a fruitful discussion should take place.

Of course, I agree with my learned friend who has stated that more than 95 per cent of the trade takes place through sea. What percentage of the trade India has in the global trade scenario? At the same time, more and more trade will take place. Nowadays, the merchant ships engage armed guards. Many of the high seas are very risky, highly dangerous. In this House also, we have discussed the menace created by the pirates in some parts of African waters. Armed guards for the security of seafarers are boarded from various convenient ports well before the high risk areas are reached but they are not allowed to leave the ship from Indian ports. These guards are from different nations. So, the ships have to keep them till the next port outside India. It costs quite a lot of financial burden upon the merchant ships. This actually creates inconvenience for the merchant ships. I hope the Government will look into this matter.

In this Bill there is a provision for the fine. The fine for pollution should match the international standards. The fine that our courts impose is actually considered by the multinational, trans-national shipping corporations as just peanut. So, I would request that it should be fixed according to the international standards. Strict pollution rules should be there and should be implemented also.

There have been complaints against our customs officials. There have been instances of rampant corruption in the customs and the immigration departments. There have been complaints from our own shipping companies as well as foreign shipping companies. This should be avoided. They are coming here for trade. If corruption is part and parcel of the trade, how can trade flourish? This should be curtailed. Corruption at the customs point and immigration point should be checked severely.

Merchant navy after completing their duty hours, just like our pilots after their journey, may sign off for some time. So, signing off from India after duty is not at all preferred by foreign companies because of the harassment from various Government officials. This is actually losing revenue to the tune of hundreds of crores of rupees every year.

During the first half of this Budget Session I had raised a matter of the forward seamen. Our hon. Minister, Ananthkumar ji was very generous to give me a reply also saying that he will take up the matter with his colleague and the Government of India will consider this issue. Our hon. Prime Minister has also promised it in a public statement. Many of the enacted laws and rules related to the merchant shipping do not have sufficient clauses of punishment for violating the provisions. This is what is going on in this nation.

There is no provision of fines and punishments in the Merchant Shipping Act of 1958 and The Seamen Act. The same is the case with the Maritime Labour Convention also. The seamen have their provident fund organisation also. It is having approximately Rs.138 crore as annuity without any provision for pension. The forward seamen are risking their lives in the high seas. Any time any accident can happen as has been said by the Minister also. They have to work in a vessel which is more than 45 degree steep.

In this House, my friends from Tamil Nadu have raised an issue regarding detention of the Tamil Indian traditional fishermen. It happened in Diego Garcia. Why is Diego Garcia now a base of NATO? Diego Garcia is a part of the Indian Ocean. India is a subcontinent and is a sovereign nation. Even though Diego Garcia is not a part of India, we have every stake on that group of islands. It is a threat to the sovereignty of India. For what purpose is it a naval base of the United Kingdom?

The poor fishermen from Tamil Nadu, Kerala, Gujarat, Maharashtra and Goa do not know which is the porus border and which is a non-porus border. As my learned friend just now said, there is no border in the sea. There are only undercurrents. They push and pull the traditional fishermen. Actually, they are taken into custody by the military men. Our traditional fishermen are not spies and they are not going there for espionage. Actually, they go for their daily bread. Only a poor fisherman knows the hardships of being a poor fisherman.

I come from a State where first revolt against the East India Company happened in 1721. In the year 1721, people from all walks of life cutting across caste, creed, religion and colour revolted against the British on the auspicious day of Vishu. Vishu is an auspicious day like Pongal in Tamil Nadu, Bihu in Assam and Holi in North India. On that august day, people revolted against the British East India Company.

Sir, the Anchuthengu fortress is there which is protected by the Archaeological Department but so far our Government has not taken any initiative to put Anchuthengu under Sagar Mala project. My humble request to the Minister is to put Anchuthengu under Sagar Mala project. It is a historical place situated in my Constituency. That fortress still remains where the people were martyred by the British East India Company.

श्री विनायक भाऊराव राऊत (रत्नागिरी-सिंधुदुर्ग) : माननीय उपाध्यक्ष महोदय, मैं इस विधेयक का समर्थन करने के लिए खड़ा हुआ हूँ। मैं माननीय मंत्री जी को धन्यवाद दूंगा कि पिछले कई वर्षों से समुद्रतटीय क्षेत्र में रहने वाले हमारे जो मछुआरे हैं, वैसल्स के मालिक रहते हैं, पारंपरिक मछुआरे हैं, वे पिछले कई वर्षों से इस विधेयक की तरफ देख रहे थे।

महोदय, आजादी मिलने के बाद भी यानी सन् 1840 में जो कानून बना था, वह कानून आज तक चलता आ रहा था। उसका बुरा असर समुद्र तट पर रहने वाले जो भी मछुआरे हैं, जो भी वैसल्स के मालिक हैं, समुद्र के माध्यम से व्यापार करने वाले जो भी लोग हैं, उनको इसका परिणाम सहन करना पड़ता था।

महोदय, वैसे तो इस विधेयक में कोई ज्यादा सुझाव करने का अवसर ही नहीं है। पूर्ण रूप से, अच्छे तरीके से, भविष्Âय में अच्छे परिणाम देने वाला बिल इस सदन के माध्यम से पेश करने की कोशिश मंत्री महोदय ने की है। मैं इसके लिए उन्हें सबसे पहले बधाई दूंगा।

महोदय, मैं आपके माध्यम से सरकार से एक विनती करूँगा, कई प्रावधान इस बिल में तो किये गये हैं, जैसे जो मैरीटाइम क्लेम्स रहते हैं, पिछले कई वÂर्षों से ऐसा हो रहा था कि खासकर जो मछुआरे हैं, चाहे पर्सेनिंग यूज करने वाले मछुआरे हों, पारम्परिक पद्धति से मच्छीमार करने वाले मछुआरे हों, ये सारे लोग जब समुद्र में मछली पकड़ने के लिए जाते थे तो जैसा अभी माननीय सांसद महोदय ने बताया, वह बात सही है कि समुद्र में हमारी कोई बाउन्ड्री वॉल नहीं है, समुद्र में हमने कोई फेन्सिंग नहीं कर रखी है, कई जगह पर ऐसा हो रहा था कि 12 नॉटिकल मील के बाहर भी पर्सेनिंग यूज करने वाले मछुआरे जाते थे तो कभी-कभी ऐसा हो रहा था कि जो बाहर के देशों के बड़े-बड़े वेसल्स आते थे, बांग्लादेश, पाकिस्तान या श्रीलंका जैसे देशों से वेसल्स आते थे, वे हमारे देश, हमारे राज्य के मछुआरों का जबरदस्त नुकसान करते थे। वे नुकसान करने के बाद भाग जाते थे। उनके ऊपर कार्रवाई करने का उन्हें कोई मौका ही नहीं मिलता था। उन बेचारों को नुकसान सहन करना पड़ता था। भविष्Âय में इस सबके ऊपर पाबंदी लगाने का काम इस विधेयक के माध्यम से होगा, ऐसा मुझे भरोसा है। खासकर नुकसान का क्लेम करने के लिए किसके पास जायें, कहाँ जायें, कैसे जायें, ऐसे अनेक प्रश्न इन सभी मछुआरों के सामने खड़े रहते थे और व्यापार करने वाले लोगों के सामने भी ये प्रश्न खड़े रहते थे। इस विधेयक ने उनको रास्ता दिखाने का काम किया है।

महोदय, मंत्री महोदय से ज्यादा कुछ बात करने की मुझे जरूरत नहीं है, लेकिन मैं एक विनती करने वाला हूँ कि प्रायोरिटी ऑफ मैरीटाइम क्लेम्स के ऊपर आपको ज्यादा ध्यान देने की जरूरत है। पिछले कई वर्षों से कई ऐसे दावे प्रलम्बित हैं। 15-20 वर्ष होने के बावजूद भी ऐसा दावा करने वाले लोगों को न्याय नहीं मिलता था। इस विधेयक के बाद उनको प्रायोरिटी देकर, मैरीटाइम का क्लेम करने वाले जो-जो दावे हैं, उनको जल्दी से जल्दी कैसे न्याय मिले, इसके लिए सरकार को अच्छी तरह से कोशिश करने की जरूरत है। इस विधेयक में सरकार ने अच्छा काम किया है कि मैरीटाइम क्लेम्स के साथ-साथ वेसल्स अरेस्ट करने की बहुत बड़ी जिम्मेदारी इस विधेयक के माध्यम से सरकार ने स्वीकार की है।

जैसा कि मैंने पहले बता दिया है कि रात के समय हमारे मछुआरों को मालूम नहीं पड़ता है कि कहाँ से बड़ा वेसल आया, कहाँ से उसने ठोक दिया, क्या नुकसान हो गया, इसकी जानकारी सही तरह से उनको मिलती नहीं थी। भविष्य में अन्य देशों से आने वाले जो वेसल्स हैं, उनके ऊपर पाबन्दी कैसे लग सकती है और अपने देश में धंधा करने वाले, अपने देश में रहने वाले मछुआरों को संरक्षण देने के लिए जो भी प्रोविजंस इस विधेयक में किये गये हैं, उनका सही अमल करने की तरफ अच्छी तरह से ध्यान देने का काम शासन के माध्यम से हो सकता है, ऐसा मुझे भरोसा है।

मैं फिर एक बार इस विधेयक के माध्यम से केन्द्र सरकार का और सम्माननीय मंत्री महोदय जी का आभार व्यक्त करूँगा। मैं यही कहूँगा कि एक लम्बे अरसे से चली आ रही लोगों की माँग, देशवासियों की माँग और मछुआरों की माँग पूरी करने की बहुत बड़ी जिम्मेदारी इस विधेयक के माध्यम से सरकार ने निभायी है। मैं आपको एक बार फिर धन्यवाद देते हुए अपना भाषण समाप्त करता हूँ। धन्यवाद।

SHRI Y.V. SUBBA REDDY (ONGOLE): Mr. Deputy-Speaker, thank you very much. I, on behalf of YSR Congress Party, support the Admiralty (Jurisdiction and Settlement) of Maritime Claims Bill 2016. The proposed legislation is likely to consolidate the existing laws relating to admiralty jurisdiction of courts, arrest of vessels and related issues. The legislative proposal is likely to fulfil long-standing demand of the maritime legal fraternity.

With the enactment of this legislation, it repeals five obsolete British statutes on admiralty jurisdiction in civil matters. These are Admiralty Court Act, 1840, Colonial Courts of Admiralty Act, 1890, Admiralty Court Act, 1861, Provisions of the Letter Patent Act, 1865 and Colonial Courts of Admiralty (India) Act, 1891. Nineteenth century laws were in force for settling maritime claims with only Bombay, Calcutta and Madras High Courts

having the jurisdiction. But now, there are several States where there are several important ports.

Hence, this is a welcome decision of the Government to repeal the laws which are not in use. More importantly, India is a leading maritime nation and maritime transportation caters to about 95 per cent of its merchandise trade volume and the admiralty jurisdiction of Indian courts still were flowing from these obsolete laws.

The admiralty law governs maritime questions and offences. It is a body of both domestic laws governing maritime and private international law governing the relationship between private entities that operate vessels on the oceans. This law has to deal with matters including marine commerce, marine navigation, marine salvaging, shipping, sailors and the transportation of passengers and goods by sea. The legislation now confers admiralty jurisdiction on High Courts located in all coastal States and this jurisdiction extends upto the territorial waters.

The Government should give an impetus for enhancing mercantile trade through focus on accelerated development of the maritime infrastructure. Also, there is a need of holistic review of the enabling legal framework for mercantile trade and maritime practices. It has to be ensured to avoid inordinate delay in the enactment of statutes as the legislation has been in making for nearly 30 years now. Besides in order to ensure security against maritime claims, a vessel should be arrested in certain circumstances as lately there have been several instances when the neighbouring country encroaches Indian area.

I support the Bill as it is likely to consolidate the existing British era laws on civil matters of admiralty jurisdiction of courts.

Lastly, I would request the Government of India to take up construction of Duggirajapatnam Port as mentioned in the Andhra Pradesh Reorganisation Act and also Ramayapatnam Port in Prakasam District of Andhra Pradesh since the Government of India intends to develop a number of major and minor ports.

DR. KAMBHAMPATI HARIBABU (VISAKHAPATNAM): Sir, I thank you for giving me this opportunity to speak on the Admiralty (Jurisdiction and Settlement of maritime Claims) Bill, 2016.

This law governs maritime disputes and offences. It is a body of law which deals with both domestic law governing maritime activities and international law governing the relationships between the utilities and those who operate the vessels.

It also deals with many issues like marine commerce, marine navigation, marine salvaging, shipping and sailors, and transportation of passengers and goods, etc.

Admiralty jurisdiction till now is being restricted to three High Courts and it is now being extended to all the High Courts of the maritime States. I need not mention that this Act is going to repeal about five obsolete statutes dated back to 1840, 1861, 1890, 1891 and 1865. These Acts are being repealed and a consolidated law is being enacted for efficient governance.

There is an urgent need to update the existing laws so as to be responsive to the needs of the industry and also to ensure that the maritime disputes are disposed of expeditiously and effectively.

Even though DG, Shipping started action way back in 1986 and also the Supreme Court has emphasized the need for urgency of updating the laws, so far we could not make any progress.

India is one of the leading maritime nations. We know that sea coast is the natural resource for development nowadays. Many States and the nation as a whole are interested in developing the sea ports on the coast. We have territorial waters to the extent of 12 nautical miles and also we have continental shelf contiguous zone and up to 2,000 nautical miles we have the Exclusive Economic Zone where India has the right to exploit the natural resources in the seas. Beyond 2,000 nautical miles, it is the high sea which has no ownership but owned by the entire world. At present we have the Coast Guard Act and also the Maritime Zones of India (Regulation of Foreign Fishing Vessels) Act, 1981, which provides some provisions to deal with the offences committed in the territorial waters, in the contiguous zones and in the EEZ.

Previously, we had the policy of chartered vessels for fishing. We brought foreign vessels where foreign crew were there on the vessels. There were some disputes. Those types of operations need to be resolved by certain provisions of the Act. Now, this Act also excludes the inland vessels and the warships. It excludes naval, auxiliary and vessels used for non-commercial purposes. This Act also has a provision to extend it further in future for these vessels also.

The Government of India is very much interested in encouraging the development of sea ports. I come from Visakhapatnam where there is a major sea port. When another port was proposed near Visakhapatnam at a distance of 20 kms. I had a doubt whether it would affect the performance of Visakhapatnam port. But to my surprise, both the ports are doing very well. So, there is no problem if any port is established nearby.

The State of Andhra Pradesh has 974 kms. long coastline, next only to the State of Gujarat in terms of length. We have one major port, and three ports in private sector in operation now. Our State Government led by hon. Chief Minister Shri Chandrababu Naidu, is very much interested in developing more number of ports on the coast.

As mentioned by the Member who spoke before me, the Andhra Pradesh (Reorganisation) Act provides for construction of a major port in Andhra Pradesh at Dugarajapatnam. I would request the Government of India to extend assistance for establishing ports at Ramayapatnam, Bhavanapadu, Kalingapatnam, etc.

I would like to mention here that in the GST Council there was a discussion about the jurisdiction of levying taxes on the transactions made in the territorial waters. I think this issue is also being resolved amicably by the GST Council and the GST is going to be implemented soon. And if any dispute arises, that can be resolved as per this procedure.

With these few words, I conclude and support the Bill.

श्री कौशलेन्द्र कुमार (नालंदा) : उपाध्यक्ष महोदय, आपने मुझे नावधिकरण (समुद्री दावा की अधिकारिता और निपटारा) विधेयक–2016 पर बोलने का मौका दिया। बहुत–बहुत धन्यवाद।

मैं इस विधेयक का समर्थन करता हूं। सरकार इस विधेयक के द्वारा ब्रिटिश राज के समय से चले आ रहे कानून को बदलने का काम कर रही है। यह बहुत ही पुरानी मांग थी और इसकी विधि आयोग ने भी 151वीं रिपोर्ट में सिफारिश की थी, साथ ही सर्वोच्च न्यायालय पहले ही इस कानून की आवश्यकता को दर्शा चुका है।

अभी तक इस मामले में नौसेना का कानून समुद्री प्रश्नों और अपराधों को नियंत्रित करता है। अब इस कानून से जटिलता समाप्त होगी और आम नागरिकों से संबंधित मामले न्यायालयों द्वारा न्यायोचित कार्रवाई करने के लिए स्वतंत्र होंगे।

मैं एक मुख्य बिन्दु पर सरकार का ध्यान आकृÂष्ट कराना चाहता हूँ कि समुद्री मार्ग से स्मगलिंग, हथियारों की आपूर्ति और आतंकवादी गतिविधियों में सहायता की जाती है। इस पर पूर्ण लगाम लगाने की जरूरत है और इस कृत्य में शामिल किसी भी व्यक्ति, चाहे वह विदेशी ही क्यों न हो, उन्हें भी कठोर से कठोर दंड देने की जरूरत है, इसमें इसका प्रावधान होना चाहिए।

अभी तमिलनाडु के समुद्री–तट पर एक मछुआरे की जघन्य हत्या कर दी गई। इस तरह के काफी मामले आते रहते हैं। ये मामले विशेषकर श्रीलंका और पाकिस्तान के समुद्री क्षेत्र में घटित होते रहते हैं।

15.00 hours

इस तरह के मामलों के निपटारे के लिए कानून में जो प्रावधान होना चाहिए, उसका भी खयाल रखना चाहिए। खासकर मछुआरों के साथ जब समुद्र में कोई सीमा नहीं होती है और मछुआरे अपनी सीमा पार कर जाते हैं तो उनके साथ कई तरह की घटनाएं घटती हैं। इस बारे में मंत्री जी जरूरत बतायें कि मछुआरों के लिए कोई सीमा उसकी होनी चाहिए, ताकि जो घटनाएं हमारे सामने घट रही हैं, वे न घटित हों।

इन्हीं शब्दों के साथ मैं अपनी बात को विराम देता हूं।

श्री गोपाल शेट्टी (मुम्बई उत्तर) : महोदय, मैं आपको धन्यवाद देता हूं कि आपने मुझे दि एडमिरेल्टी जूरिस्डिक्शन एंड सैटलमेंट ऑफ मैरीटाइम क्लेम्स बिल, 2016 पर बोलने के लिए और समर्थन करने का मौका दिया।

महोदय, मैं सम्माननीय नितिन गडकरी जी और मनसुख भाई मांडविया जी का अभिनंदन करना चाहूंगा कि ढाई साल के कार्यकाल में बहुत बड़ा बदलाव, बहुत बड़ी क्रांति इस क्षेत्र में लाने का इन्होंने काम किया। मुझे इस बात का दुख होता है कि अंग्रेजों के जमाने में इन सारे लोगों की समस्याओं का समाधान ढूंढ़ने के लिए हो सकता है कि उन दिनों में, बांबे जिसको हम मुंबई कहते हैं, कलकत्ता और मद्रास जैसा हाई कोर्ट हुआ करता होगा, लेकिन इतने साल के बाद में अपने देश में सभी राज्यों में हाई कोर्ट का निर्माण होने के बावजूद सिर्फ हमने एक्ट में बदलाव नहीं किया, इसलिए इन सारे लोगों को इन तीन कोर्ट में जाकर अपने लिए न्याय और समस्याओं का समाधान ढूंढ़ने का काम करना पड़ता था।

मुझे दुःख इस बात का भी होता है कि आजादी के पश्चात् इतने लम्बे समय के बाद सुप्रीम कोर्ट के इंटरवेंशन के बाद एम वी एलिजावेथ एंड अदर्स वर्सेज हर्बन इनवेस्टमेंट एंड ट्रेडिंग प्राइवेट लिमिटेड के जजमेंट में 1992 में यह कहा गया था कि एक नया एक्ट बनाना चाहिए, एडमिरेल्टी एक्ट बनाना चाहिए। 1992 की जब बात आती है, तो विशेषकर मैं पहली बार मुंबई महानगर पालिका में नगर सेवक के रूप में चुनकर गया। मेरे प्रतिनिधि जीवन के 25 साल पूरे हो गए। इस एक्ट में सुप्रीम कोर्ट के इंटरवेंशन के 25 साल के बाद में आज इस एक्ट को हम पास करेंगे और अपने देश के लोगों को न्याय देने का काम करेंगे।

मैं भर्तृहरि महताब जी को धन्यवाद देना चाहूंगा, क्योंकि जब यह एक्ट वर्ष 2005 में पार्लियामेंट में प्रस्तुत हुआ तो मैं बैठे-बैठे सोच रहा था कि वर्ष 2004 से 2014 तक यूपीए की सरकार थी और निश्चित ही यह कायदा अटल जी की सरकार में ड्राफ्ट हुआ होगा, जिसका उल्लेख भर्तृहरि महताब जी ने यहां पर किया। अटल जी ने उन दिनों 25 साल पहले कायदा ड्राफ्ट किया था, उस कायदे को फिर एक बार एनडीए के प्रधानमंत्री के रूप में नरेन्द्र मोदी जी की सरकार में हम लोग यहां पास कर रहे हैं, यह मेरे जैसे कार्यकर्ता के लिए बहुत ही अभिमान और गर्व की बात है। भर्तृहरि महताब जी इस बात का भी दुःख व्यक्त कर रहे थे कि इसमें 25 साल क्यों लगे, तो मुझे एक बार फिर नरेन्द्र मोदी जी की याद आई। उन्होंने बहुत बार कहा कि अच्छे काम इस देश में करने का उनके ही भाग्य में लिखा है, इसलिए वे इस काम को कर पाए। यह हम जैसे कार्यकर्ताओं के लिए बहुत खुशी की बात है। 1861, 1890, 1891 और 1865, इन चार कायदों में उन दिनों में बदलाव करने से अब अपने देश में जितने भी हाई कोर्ट्स हैं, इन सारे हाई कोर्ट्स में हम जा सकते हैं, इस प्रकार का एक प्रोविजन इस बिल के माध्यम से हो रहा है। यह बहुत ही खुशी की बात है।

अपने देश ने ही नहीं, दुनिया के सभी देशों ने यह माना है कि वाटर ट्रांसपोर्ट इज दि चीपेस्ट ट्रांसपोर्ट। इसके बावजूद भी इस क्षेत्र में जितना ध्यान सरकार के माध्यम से देना चाहिए, वह नहीं दिया गया। इस क्षेत्र में जितनी प्रगति हम कर सकते थे, वह नहीं हुई, इस बात को भी हमें मानना पड़ेगा। ढाई साल के कार्यकाल में बीच में एक रिपोर्ट आई थी कि शिपिंग इंडस्ट्री ने इतना बड़ा बदलाव किया है, इस क्षेत्र में काम करने वाले चाहे अधिकारी हों, कर्मचारी हों, देश के रेवेन्यू में भी बहुत बड़ा बदलाव नितिन जी और मनसुख भाई के माध्यम से हुआ है। मैं यह मानता हूं कि इस बिल को पास करने के बाद में आने वाले दिनों में इसमें बहुत बड़ी तेजी से हम आगे की ओर बढ़ पाएंगे।

इस बिल को पास करते हुए मंत्री महोदय से मैं एक निवेदन करना चाहूंगा। हो सकता है कि यह एक्ट जब ब्रिटिशों के जमाने में बना था, तो बांबे हाई कोर्ट का नाम भी बांबे हाई कोर्ट था। बहुत सारे प्रयास करने के बाद में, मैं जिस क्षेत्र से प्रतिनिधित्व करता हूं, उस क्षेत्र के उन दिनों के प्रतिनिधि राम नाइक जी ने इसी पार्लियामेंट में प्राइवेट मेंबर बिल के माध्यम से बांबे का नाम मुंबई करना चाहिए, यह प्रस्ताव रखा था और उसको सरकार द्वारा मानने के बाद सारे प्रोसीजर हो गए। बांबे हाई कोर्ट को ही सिर्फ बांबे हाई कोर्ट कहा जाता है। हो सकता है कि उन दिनों का यह बिल था, इसलिए इसमें आपको उसका उल्लेख करना पड़ा होगा - बांबे हाई कोर्ट, लेकिन नया बिल बनते समय मैं चाहूंगा कि उसकी ड्राफ्टिंग मुंबई हाई कोर्ट हो। अब तो मद्रास का नाम भी चेन्नई हो गया है। इन सारे बदलावों को हमको आने वाले दिनों में करते समय बहुत ही बारीकी और नजदीक से देखना पड़ेगा।

भर्तृहरि महताब जी वैसे हमारी पार्टी के बहुत सारे पॉज़िटिव विचारों से एकमत होते हैं, लेकिन मंत्री महोदय ने बिल प्रस्तुत करते समय तीन बार हिन्दुस्तान का उल्लेख किया, तो शायद उन्हें ठीक नहीं लगा। मैं मंत्री महोदय को धन्यवाद देना चाहता हूं कि उन्होंने तीन बार उसका उल्लेख किया और वे बिल को पास करते समय और तीन बार कहकर आधा दर्जन का कोटा पूरा करें।

1992 के सुप्रीम कोर्ट जजमेंट के 25 साल बाद हम इस बिल को पास कर रहे हैं । मैं यह

भविष्Âयवाणी भी करना चाहूंगा कि आने वाले 25 सालों के बाद इस पार्लियामेंट में जो भी बिल प्रस्तुत होगा, उसमें हिन्दुस्तान के नाम का उल्लेख होगा। यही बदलाव है। लोकशाही में हम बदलाव के लिए काम करते हैं, अपने देश की गरिमा बढ़ाने के लिए काम करते हैं। हिन्दुस्तान भारतीय जनता पार्टी, संघ परिवार या जनसंघ का प्रोडक्ट नहीं है। अनादिकाल से हिन्दुस्तान का उल्लेख इस देश और दुनिया में होता आया है।...(व्यवधान)

महोदय, आप मुझे समाप्त करने का संकेत दे रहे हैं। मैं एक बार फिर मंत्री महोदय को धन्यवाद देना चाहूंगा कि यह बिल पास होते समय मैरिटाइम क्षेत्र से जुड़े हुए लोगों में बहुत बड़ा बदलाव होगा, लेकिन हम जैसे कार्यकर्ताओं के लिए समाधान की बात है कि मंत्री महोदय ने हिन्दुस्तान का उल्लेख किया जिसकी टिप्पणी भर्तृहरि महताब जी ने की। मुझे हिन्दुस्तान शब्द जोड़ते हुए अपनी भावनाओं को यहां प्रकट करने का मौका मिला, इसके लिए मैं मंत्री महोदय और नितिन जी को बहुत-बहुत धन्यवाद देना चाहता हूं। उन्होंने इस लोक सभा में एक बहुत ही क्रान्तिकारी बिल प्रस्तुत किया है। बहुत-बहुत धन्यवाद।

SHRI N.K. PREMACHANDRAN (KOLLAM): Mr. Deputy Speaker, Sir, I thank you very much for the opportunity given to me.

I fully support the Admiralty (Jurisdiction and Settlement of Maritime Claims), 2016 as it repeals the outdated colonial legislation and brings in a sovereign legislation of our country in respect of maritime laws as well as admiralty jurisdiction.

Sir, the enactment of this legislation is a typical example of the inordinate delay in the enactment of statutes and this Bill has been in the making for the last 30 years. Almost all the learned Members have already stated in the House that it is seen that after Independence the Parliament did not exercise the powers to make law with respect to admiralty courts and maritime disputes. We are fully depending on the colonial legislations of 1840 and 1861 and such colonial legislations were being pursued in the resolution of disputes of maritime claims. All these colonial legislations were restricting the jurisdiction in respect of maritime claims to three High Courts namely, Calcutta, Bombay and Madras and the coastal States have been ignored. It is very well known that in the year 1986 a Committee had been constituted under Shri Parveen Singh and the Committee had recommended very specifically that a comprehensive legislation is required in respect of admiralty law. Further, as the hon. Member has just now rightly said, the Supreme Court in the year 1992, in M.V. Elisabeth and Others *versus* Harwan Investment and Trading Private Limited case, very specifically stated that the High Courts are having inherent and unlimited jurisdiction so as to address these issues. So, the High Courts cannot be frozen on the basis of a single reason that we are having a colonial legislation of 1861 and so the High Courts cannot be stopped from dealing with these issues. This was the direction given by the hon. Supreme Court in the year 1992. Even after this, the Supreme Court directly stated that enactment of a suitable legislation regarding admiralty jurisdiction and settlement of maritime claims is highly essential. This was the verdict of the Supreme Court in 1992.

Sir, you will appreciate that the 151st Report of the Law Commission also said the same thing that a suitable, comprehensive legislation in respect of admiralty jurisdiction as well as settlement of maritime claims is highly essential. But even after 20 years we have not been able to enact legislation by this Parliament. It is quite unfortunate and it is an example of ineffective functioning of the parliamentary democratic system in our country. That is why, I would like to state that it is a typical example as to how the Parliament is not able to function in tune with the changing laws and in tune with the changing international situation. Anyway, it is better late than never. So, I appreciate this initiative and I wholeheartedly support this Bill.

I am coming to the facts of the case. It is also well-known that India is a maritime nation and maritime transportation caters to about 95 per cent of its merchandise trade volume. But the present statutory framework is not sufficient to meet the purpose. Therefore, for the expedient and efficient disposal of maritime disputes, a comprehensive legislation is required.

Sir, coming to the Bill, I would like to suggest two-three points. The Bill confers admiralty jurisdiction on all High Courts located in the coastal States of India. The jurisdiction extends up to the territorial water. The jurisdiction can be extended to the exclusive economic zone or any maritime zone of India or islands of Indian territory by means of a notification. Also, it applies to all vessels irrespective of place of residence or domicile of ownership.

Sir, here, my strong objection is regarding the jurisdiction. What is the purpose of this Bill? We are repealing the Colonial Legislation and making a sovereign Bill. When we make a sovereign Bill, when the Parliament passes a legislation, it should not be vague; it should be absolute and clear. But unfortunately clause 1 and clause 3 of the Bill are not clear. Clause 1 and clause 3 of the Bill deal with the admiralty jurisdiction. Clause 1 of the Bill says that the admiralty jurisdiction means that it shall apply to every vessel, irrespective of the place of residence or domicile of the owner. Subsequently, the proviso says that it shall not be applicable to an inland vessels under Inland Vessels Act, 1917 or a vessel under construction, naval warship, foreign vessels etc. Okay, I do agree. It is applicable to all vessels, which is the first part of clause 1. Then, the proviso says that it is not applicable to these vessels. Subsequently, the same provision says that 'but it can be made applicable if there is a notification by the Government of India.'

Sir, how can it be? What is the drafting of this legislation? Then, why the Parliament is being put in darkness? That is my question. If the Government wants to make it applicable to all the vessels, including the foreign vessels and vessels under construction, inland vessels, why is the Bill giving the exemplary authority to the Government through a notification? So, the sole purpose of this legislation is to fix the admiralty jurisdiction in respect of the vessels. What are the vessels, which are involved? Why does the Government not come with a clear hand and say that it would like to have this and this vessel?

Regarding the territorial jurisdiction also, it is being said in clause 3: 'Subject to the provisions of Sections 4 and 5, the jurisdiction is in respect of the territorial waters.' It is confining to the territorial water; I do agree. Subsequently, the proviso says:

> "Provided that the Central Government may by notification, extend the jurisdiction of the High Court up to the limit as defined in section 2 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976."

Sir, what for the Parliament is there? I would like to describe it that this is a legislation by means of a notification. The entire legislative process has to be done by the Parliament. Here, who is going to fix the jurisdiction? It is the Executive, by means of a notification. Which vessel is involved and what is the territorial jurisdiction, is not being determined by the Parliament, but it is being determined by the Executive. So, my point is that it is not a fair practice of legislative process. Sir, all this was regarding the civil liability.

HON. DEPUTY-SPEAKER: Please conclude, now.

SHRI N.K. PREMACHANDRAN : Now, regarding the criminal liability, in my Constituency, everybody is well aware of the "Enrica Lexie Incident" where two Indian fishermen were killed by the Italian Marines, and the case is going on.

My submission to the Government is that though the Bill is absolutely in respect of civil liability, I do agree, but in respect of fixing up the criminal liability in the crimes, which are being in the territorial waters and in the exclusive economic zones, some specific legislation is required. I am saying so because in the Italian Marine Case, what has happened?

HON. DEPUTY-SPEKAER: No, it is not connected with this Bill. Now, I am calling the hon. Minister.

SHRI N.K. PREMACHANDRAN : Sir, one second. About the Italian Marine case the SUA Act was applicable. But the SUA Act has been taken away. Now, it is being taken in the international forum, and the Italian Marines have gone to the Italy. Last time, when the UPA Government was there, these people had blamed them that they were supporting the Italian Government. Therefore, my submission is that stringent action has to be taken to see that the Italian marines, those who have killed the poor fishermen of our country, are punished.

With these words, I support the Bill. Thank you very much.

श्री मनसुख एल.मांडविया : उपाध्यक्ष महोदय, एडमिरेल्टी (ज्यूरिस्डिक्शन एंड सैटलमैंट ऑफ मेरीटाइम क्लेम्स), 2016 पर यहां विस्तार से चर्चा हुई। मुझे इस बात की खुशी है कि सब सदस्यों ने इस बिल का समर्थन किया है। जब यह बिल बनाया गया, तब भी हमने इस पर चिंता की थी, इसलिए इसे स्टैंडिंग कमेटी भेजा गया और उसने जो सुझाव दिये, उसे हमने इस बिल में इनक्लूड किये। उसके बाद डीजी शिपिंग ने उसका नोटीफिकेशन किया और तेरह दिनों के बाद इस पर सुझाव देना था, उसका सुझाव भी हमें मिला है। इसके बाद स्टेक होल्डर्स के साथ विस्तार से कंसल्टेशन करने के बाद हम आज यह बिल सदन में लाये हैं।

उपाध्यक्ष महोदय, इस बिल पर कई माननीय सदस्यों ने अपने विचार भी रखे और कुछ सुझाव भी दिये। जब हम नियमावली तैयार करेंगे, तब हम उन सबके सुझावों को शामिल करेंगे। इस बिल को लाने का हेतु यह है कि एडमिरेल्टी के कार्यक्षेत्र में जो दावे हैं, वे छूट न जायें, कुछ क्षति न रह जाये। इसके साथ-साथ जिन पुराने कानूनों पर कार्यवाही नहीं हो सकती थी और उसमें जो कन्फ्यूज़न होता था, वह भी न रहे और जो समुद्री दावे हैं, उन पर स्टेक होल्डर्स को न्याय मिले। यहां पर यह भी उल्लेख किया गया कि अभी तक तीन उच्च न्यायालय में यह दावे होते थे और वहीं पर सब लोगों को जाना पड़ता था। इस कारण उन तीनों उच्च न्यायालय में काम का काफी भार होता था।

उपाध्यक्ष महोदय, महताब जी ने एक विषय रखा कि इन तीन उच्च न्यायालयों में अभी दावे पेंडिंग हैं, इसलिए उनके ऊपर का भार भी कम करना चाहिए। इसे कम करने के लिए तटीय क्षेत्र के, जिस स्टेट का इश्यू है, वह उस स्टेट के उच्च न्यायालय में जाये। अभी माननीय सदस्य ने बताया कि पुराना कानून बहुत सालों से लागू है, इसलिए इसे खत्म करने की आवश्यकता है। ये कानून इंग्लैंड समय के थे और उस समय जो स्थिति थी, उसके अनुसार ही ये कानून बने हुए थे। अब स्थिति बदल गयी है इसलिए इस बदली हुई स्थिति में कानून में विस्तार से बदलाव किया गया है। इससे जनता और शिपिंग सैक्टर में काम करने वाले लोगों को न्याय पाने का अधिकार मिलेगा। अब अनेक प्रकार के दावे होते हैं जैसे मालिक के अन्तर्गत भी पार्टनरशिप होती है और पार्टनर-पार्टनर के बीच भी कोई प्रॉब्लम हो जाती है। जब इनकम होती है, तब उसकी शेयरिंग के समय भी दावे होते हैं। कभी कोई कम्पनी या शिप प्रॉफिट में है या घाटे में है, तो उसकी शेयरिंग के समय भी प्रॉब्लम होती है। मोर्गेज के संदर्भ में भी कोई दावा हो जाता है। जब एक्सीडैंट होता है, तो उस स्थिति में भी दावे शामिल होते हैं। शिपिंग के साथ जुड़े हुए व्यक्ति जब शिप में हैं और उसको कोई प्रॉब्लम हो जाती है, तो व्यक्तिगत प्रॉब्लम के संदर्भ में भी दावे हो जाते हैं। इसी प्रकार कारगो का परिवहन होता है, उसमें कभी डैमेज हो जाता है, तो जिसने वह सामान मंगवाया है, उसका भी दावा लग जाता है। इसके साथ-साथ इन्वायर्नमैंट के संदर्भ में भी कई दावे हो जाते हैं, टोएज के संदर्भ में भी दावे हो जाते हैं। बंकर फ्यूल जब शिप में होता है, तो उस संदर्भ में भी दावा हो जाता है। ऐसी कई स्थिति में दावे होते हैं, तो हम उसका सॉल्यूशन कैसे निकालें। क्लोज फॉर्म में हमने उसको विस्तार से डिस्क्राइब किया है, जैसे कि कौन कौन से दावे किये जा सकते हैं, जिनके माध्यम से वह न्याय ले सके। उसका प्रावधान भी हमने विस्तार से किया है। यहां अधीर रंजन चौधरी जी ने चर्चा के दौरान अपने विÂषय में कहा कि जो सिविल लॉयबिलिटी होती है, जो पोल्यूशन होता है, पोल्यूशन मर्चेन्ट शिपिंग एक्ट 1958 के अन्तर्गत उसका प्रावधान किया गया है। उन्होंने यह भी प्रश्न किया कि रिपील करने में क्या होगा? रिपील के संदर्भ में आपका क्या कहना है? मेरा माननीय सदस्य से यह कहना है कि यह एक्ट एडमिरेलिटी में केवल रिपील के संदर्भ में विधि मंत्रालय के साथ भी विस्तार से बातचीत हुई है।

आपने यह बात भी कही है कि जो क्लेम है, उसके संबंध में आपने विस्तार से सूचना नहीं रखी है, लेकिन ऐसा होता है कि अलग अलग तीन हाई कोर्ट होते हैं और उसमें अपनी अपनी ओर से दावा हो जाता है। उस दावे की सूचना हाई कोर्ट के पास रहती है। इसलिए वह हमारे पास नहीं है, लेकिन यह जो दावा बिल है, उससे कम होने की संभावना है। आपने वह बात भी कही कि जो ईईजैड है, उसमें मैरीटाइम ज़ोन के संदर्भ में इंडियन एक्ट में जो प्रावधान किया गया है और माननीय नरेन्द्र केशव सावईकर जी ने भी अपने बिल में चर्चा करते हुए कहा कि 6 डीप सी पोर्ट बनाने की बात है, वे कब बनेंगे? सी पोर्ट के संदर्भ में हम कहें कि सागरमाला योजना के अन्तर्गत आज देश में 12 मेजर सी पोर्ट हैं लेकिन उसके साथ साथ और भी 6 पोर्ट हम बनाने जा रहे हैं। उसके साथ ही सभी पोर्ट्स को और जो इस समय हमारे पास पोर्ट्स हैं, उनको अपग्रेड करके, अच्छी तरह से उनका कैसे इस्तेमाल किया जाए, उसके लए भी हम काम कर रहे हैं। इसके साथ ही साथ पोर्ट कनैक्टिविटी बढ़ाने के लिए, रेल कनैक्टिविटी, नेशनल हाईवेज कनैक्टिविटी के लिए सागरमाला योजना के अन्तर्गत हम उसमें 8 लाख करोड़ रुपये खर्च करके सारे देश में पोर्ट डवलपमेंट में काम करने वाले हैं।

श्री कल्याण बनर्जी जी ने भी विस्तार से अपना विÂषय रखा। उनका एक सुझाव वह भी रहा कि हैज़ारडुअस मैटीरियल्स के संदर्भ में, Environmental pollution by vessels is covered under Clause 4(u) of the Bill. बिल के सैक्शन 4 में जो हैज़ारडुअस हैं और जब उससे कोई समुद्री पोल्यूशन होता है तो उसके संदर्भ में भी हमने यहां पर प्रावधान रखा है। यहां पर महताब जी ने भी चर्चा के दौरान अपनी बात रखी है और उन्होंने कहा कि आपने हिन्दुस्तान शब्द का इस्तेमाल किया है। वह हमने पर्याय के रूप में किया है। लेकिन मैं इसका स्वागत करता हूं। भारत को हिन्दुस्तान सदियों से बोलते आ रहे हैं। इसलिए हमने भी उसका प्रयोग किया है। लेकिन आपने एक विÂषय वह भी रखा कि अभी जो कोर्ट है, उसमें जो पेंडिंग केसेज हैं, उनके ऊपर से भार कैसे कम हो। इसलिए मुझे बताने से खुशी होगी कि बिल में यह प्रावधान भी किया गया है कि 9th स्टेट की उच्च न्यायालय को जो सत्ता मिलेगी तो ऑटोमैटिकली, जिन स्टेट के, जिन क्षेत्रों के जो विÂषय हैं, वहां ये विÂषय उच्च न्यायालय में चले जाएंगे। उसके साथ-साथ आपने वह विÂषय भी रखा है कि जो लॉस ऑफ लाइफ होता है और जो एक्सीडेंट होता है या किसी को व्यक्तिगत हानि होती है तो उसमें उसको प्रायोरिटी मिलनी चाहिए। हमने वह विÂषय भी विस्तार से रखा है कि प्रायोरिटी में हमने पहले वेजेज को रखा है। जो वेजेज बेसिस पर स्कीपर्स काम कर रहे हैं और जो काम करने वाले व्यक्ति हैं, उनको कैसे तुरंत ही पैसा मिले, इसका भी हमने ध्यान रखा है। उसके बाद हमने यह रखा है कि यदि कभी किसी को व्यक्तिगत हानि हो तो उसको हमने सैकेंड प्रायोरिटी में लिया है।

थर्ड प्रायरिटी में हमने उसके ऊपर गवर्नमेंट लायबलिटी को लिया है, जिससे लोगों को अच्छी तरह से न्याय मिले। जो व्यक्तिगत जान गई हुयी है, हम इस बिल के तहत उसको अच्छी तरह से सपोर्ट कर सकें और उनको मदद करने की सरकार की परमानैंट इच्छा रहेगी। नरसिम्हम जी ने भी ट्रेनिंग इंस्टीट्यूट के संदर्भ में अपने विचार रखे हैं। मैरीटाइम यूनिवर्सिटी के अनुसंदर्भ में आंध्र प्रदेश के काकीनाड़ा में एक ट्रेनिंग इंस्टीट्यूट है, लेकिन वह बिल का विÂषय नहीं है। अगर वह ऐसा कोई इंस्टीट्यूट शुरू करना चाहते हैं तो मैरीटाइम यूनिवर्सिटी, चेन्नई से अवश्य अपना एप्लिकैशन दे सकते हैं। इस चर्चा में के. वी. रेड्डी जी ने भाग लिया है। उन्होंने कहा है कि जो आउटर हार्बर है, how many ships are there in the outer harbours for want of the admiralty laws. No. Sir, the ship keeps moving. उसके संदर्भ में हम उसे विस्तार से ले रहे हैं। इसके साथ-साथ ए. साएंत जी, विनायक राऊत जी, वाई. वी. सुब्बा रेड्डी जी, डॉ. के. हरि बाबू जी, कौशलेन्द्र कुमार जी, गोपाल शेट्टी जी, एन. के. प्रेमचंद्रन जी और नरेन्द्र केशव सवाईकर जी, सभी ने इस चर्चा में भाग लिया है और अपने-अपने विचार एवं सुझाव दिये हैं। जब इस बिल की नियमावली बनेगी तब हम विस्तार से उन्हें शामिल करने की कोशिश करेंगे।

कुल मिलाकर, इस बिल के संबंध में मैं अपेक्षा करता हूं कि जैसे आप सभी ने इस बिल को सपोर्ट किया है, वैसे ही आम सहमति से The Admiralty (Jurisdiction and Settlement of Maritime Claims), 2016, बिल पास होगा।

HON. DEPUTY SPEAKER: The question is:

> "That the Bill to consolidate the laws relating to admiralty jurisdiction, legal proceedings in connection with vessels, their arrest, detention, sale and other matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

HON. DEPUTY SPEAKER: The House shall now take up clause by clause consideration of the Bill.

Clause 2 Definitions

HON. DEPUTY SPEAKER: Shri N.K. Premachandran, are you moving Amendment No. 4 to Clause 2?

SHRI N.K. PREMACHANDRAN (KOLLAM): Yes Sir, I beg to move:

"Page 2, line 15, -

after "animals"

insert "birds," (4)

HON. DEPUTY SPEAKER: I shall now put Amendment No. 4 to Clause 2 moved by Shri N.K. Premachandran to the vote of the House.

The amendments was put and negatived.

HON. DEPUTY SPEAKER: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 to 8 were added to the Bill.

Clause 9 Inter-se priority on maritime lien

HON. DEPUTY SPEAKER: Shri N.K. Premachandran, are you moving Amendment Nos. 5 and 6 to Clause 9?

SHRI N.K. PREMACHANDRAN : Yes Sir, I am moving only amendment no. 5. I beg to move:

"Page 5, line 44, -

omit "direct" (5)

HON. DEPUTY SPEAKER: I shall now put Amendment No. 5 to Clause 9 moved by Shri N.K. Premachandran to the vote of the House.

The amendments was put and negatived.

HON. DEPUTY SPEAKER: The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clauses 10 and 11 were added to the Bill.

Clause 12 Application of Code of civil procedure

HON. DEPUTY SPEAKER: Shri N.K. Premachandran, are you moving Amendment No. 7 to Clause 12?

SHRI N.K. PREMACHANDRAN (KOLLAM): No Sir, I am not moving the rest of amendments.

HON. DEPUTY SPEAKER: The question is:

"That clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

Clauses 13 to 15 were added to the Bill.

Clause 16 Power to make rules.

HON. DEPUTY SPEAKER: Shri N.K. Premachandran, are you moving Amendment No. 8 to Clause 16?

SHRI N.K. PREMACHANDRAN : No Sir, I am not moving the rest of my amendments.

HON. DEPUTY SPEAKER: The question is:

"That clause 16 stand part of the Bill."

The motion was adopted.

Clause 16 was added to the Bill.

Clause 17 Repeal and savings

Amendment made:

Page 8, *for* lines 8 to 13, -

'Repeal and savings,	17.(1) The application in India of the following enactments are hereby repealed -	
	(a) the Admiralty Court Act, 1840; (b) the Admiralty Court Act, 1861; (c) the Colonial Court of Admiralty Act, 1890; (d) the Colonial Courts of Admiralty (India) Act, 1891; and (e) the provisions of the Letters Patent, 1865 in so far as they apply to the admiralty jurisdiction of the Bombay, Calcutta and Madras High Courts'.	3&4 Vict., c. 65 24 &25 Vict., c.10 53 & 54 Vict., c.27 16 of 1891 (3)
	(Shri Mansukh L. Mandaviya)	

HON. DEPUTY SPEAKER: The question is:

"That clause 17, as amended, stand part of the Bill."

The motion was adopted.

Clause 17, as amended, was added to the Bill.

Clause 18 was added to the Bill.

Clause 1 Short title, application and commencement

Amendment made:

"Page 1, line 6â€”

for "2016"

substitute "2017"."

(Shri Mansukh L. Mandaviya)

HON. DEPUTY SPEAKER: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made:

"Page 1, line 1, --

for "sixty-seventh"

substitute "sixty-eight"."

(Shri Mansukh L. Mandaviya)

HON. DEPUTY SPEAKER: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Long Title was added to the Bill.

HON. DEPUTY SPEAKER: Now, the hon. Minister may move that the Bill, as amended, be passed.

SHRI MANSUKH L. MANDAVIYA: Sir, I beg to move:

"That the Bill, as amended, be passed."

HON. DEPUTY SPEAKER: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.